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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,006	03/24/2004	Ranganathan Nagarajan	33726-00016USD1	6795
23932	7590	09/28/2005	EXAMINER	
JENKENS & GILCHRIST, PC 1445 ROSS AVENUE SUITE 3200 DALLAS, TX 75202			ALANKO, ANITA KAREN	
			ART UNIT	PAPER NUMBER
			1765	

DATE MAILED: 09/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/809,006

Applicant(s)

NAGARAJAN, RANGANATHAN

Examiner

Anita K. Alanko

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 3/24/04 pre-amdt.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☒ Certified copies of the priority documents have been received in Application No. 09/900293.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 5 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. There appears to be no description of the “pulsed etch process”. Virtually any parameter could be pulsed, the source power, bias power, gas composition, pressure, gas flow or magnetic field. Lacking any description or working examples, the specification does not enable one to make and use the claimed invention of “pulsed etch process”.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear what is encompassed by “pulsed etch process” and therefore the metes and bounds of the claim are unclear.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 7-8, 10, 14-17 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Berglund et al (US 4,902,377).

Berglund discloses a method comprising:

performing a vertical etch process step on said layer of material 12 (Fig.2)

enlarging the opening in said mask (the “mask erosion step” Fig.3); and

repeating steps a and b above in an alternating manner until a trench has been etched to a desired depth.

As to claims 2 and 16, Berglund discloses a resist etch process step to enlarge the opening (col.3, lines 28-41).

As to claims 3 and 17, the resist layer is inherently tapered around a periphery of said opening since the resist layer is isotropically etched (col.3, lines 29-31).

As to claim 4, Berglund discloses that it is a multistep process (col.3, lines 56-57).

As to claims 5 and 14, broadly interpreted, the method of Berglund is a pulsed etch process since Berglund discloses to perform the steps “in the same machine by altering the gas types, gas concentrations and operating pressure during the etch process” multiple times (col.3, lines 52-56). The alternation of steps encompasses controlling gas flow, as broadly cited.

As to claims 7 and 19, since the same steps are conducted as in the instant invention, the same results of a slope within the cited range are expected.

As to claim 8, Berglund discloses that the method comprises a semiconductor substrate

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As to claim 10, Berglund discloses to perform a metal deposition 18 (Fig.5).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6-7, 9, 11-13, 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berglund et al (US 4,902,377).

The discussion of Berglund from above is repeated here.

As to claims 6 and 18, Berglund does not disclose the depth of the trench. It would have been obvious to one with ordinary skill in the art to repeat the steps to the desired depth within the cited range because Berglund discloses to repeat the steps as often as desired. Examiner notes that the claims are not limited to a particular aspect ratio.

As to claims 7 and 19, it would have been obvious to one with ordinary skill in the art to vary the sizes of the mask openings and the etching parameters, and thereby the slope to the cited range, in the method of Berglund because the mask and concentration and energy of etchant species define how much material can be removed by etching, and therefore helps define the slope.

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As to claims 11-13, examiner takes official notice that the cited devices are conventional devices that are formed by using conventional semiconductor etching techniques. It would have been obvious to one with ordinary skill in the art to use the method of Berglund to form the cited devices because it is useful to use known semiconductor processing techniques to form the cited known devices.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited art shows method of forming tapered trenches.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anita K. Alanko whose telephone number is 571-272-1458. The examiner can normally be reached on Mon-Fri until 2:30 pm (Wed until 11:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nadine Norton can be reached on 571-272-1465. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Anita K. Alanko
Anita K Alanko

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Primary Examiner

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